

### **REMARKS**

Claims 1-20 are now pending in the application and stand rejected. Minor amendments have been made to the claims to simply overcome the rejections of the claims under 35 U.S.C. § 112. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1—11 and 18-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

In accordance with the Examiner's comments, claim 1 is amended to recite "...said configuring step...", and independent claim 18 is amended to recite "...said authorizing step...". Applicant submits that claims 1 and 18 as amended are sufficiently definite under 35 U.S.C. § 112, second paragraph.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-18 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sklar et al. (U.S. Pat. No. 5,990,928). This rejection is respectfully traversed.

Sklar et al. discloses a method and apparatus for receiving broadcast transmissions at an aircraft in-flight receiving station. Transmission stations 12 and 18 broadcast entertainment programming, which is received by a receiver station 36 of the

aircraft 34 (col. 6, line 66-col. 7, line 8; FIG. 1 and 2). When the aircraft 34 leaves a coverage area 26 of a satellite 24 and enters a coverage area 30 of a satellite 28, a regional control unit 44 aboard the aircraft 34 and an onboard antenna controller 46 switch an onboard tracking antenna 38 to track the second satellite 28 (col. 10, lines 4-12). Sklar et al. does not describe bi-directional communication between the transmission stations (12, 18) and the aircraft 34. Furthermore, when the aircraft 34 enters the coverage area 30 of the second satellite 28, the regional control unit 44 uses program guide data available from the second satellite 28 to determine whether programs available from the satellite 28 are in progress or about to start (col. 6, lines 48-55; col. 10, lines 48-63). The regional control unit 44 apparently does not use data from the transmission station 12 or satellite 24 to configure the system receiver station 36 to receive programs in the coverage area 30.

Accordingly and with reference to claim 1, Sklar et al. does not anticipate "...each platform including a mobile communications system configured for bi-directional communication with a ground segment via satellite link, ... and as a platform leaves one of the coverage regions and enters another of the coverage regions, configuring the mobile communications system on the entering platform to receive the multicast in the coverage region being entered, said configuring step being performed via the ground station associated with the coverage region being left" as recited in claim 1. Applicant submits that claim 1 and claims 2-11 dependent on claim 1 should be allowed.

With reference to independent claim 12 and as discussed above, Sklar et al. does not describe bi-directional communication between the transmission stations (12, 18) and the aircraft 34. Furthermore, the regional control unit 44 apparently does not

use data from the transmission station 12 or satellite 24 to configure the system receiver station 36 to receive programs in the coverage area 30. Thus Sklar et al. does not anticipate "...on each of the platforms, a mobile communications system configured for bidirectional communication with a ground segment via satellite link; for each of the coverage regions, an associated ground station and satellite configured to multicast data content formatted for reception by all of the platforms in the coverage region; said associated ground station further configured to authorize, as a platform leaves the coverage region and enters another of the coverage regions, said mobile communications system of the leaving platform to receive the data content multicast in the coverage region being entered" as recited in claim 12. Applicant submits that claim 12 and claims 13-17 dependent on claim 12 should be allowed.

Additionally, with reference to claim 15, Sklar et al. does not anticipate a "network operations center configured to coordinate multicasts of data content by said ground stations in the plurality of coverage regions" as recited in the claim. Assuming that the Examiner considers the transmission stations (12, 18) of Sklar et al. to anticipate "...for each of the coverage regions, an associated ground station...configured to multicast data content..." as recited in independent claim 12, then some other element is required to be present in the apparatus of Sklar et al. to anticipate "...a network operations center..." However, no such additional element is present or inherent in Sklar et al. Omission of any claimed element, no matter how insubstantial, is grounds for traversing a rejection based on §102; *Connell v. Sears, Roebuck & Co.*, 722 F. 2d 1542 (Fed. Cir.1983). Applicant submits that claim 15 should be allowed.

With reference to independent claim 18, and as previously discussed, the regional control unit 44 of Sklar et al. apparently does not use data from the transmission station 12 or satellite 24 to configure the system receiver station 36 to receive programs in the coverage area 30. Thus Sklar et al. cannot anticipate "...authorizing the given platform mobile communications system to receive the multicast in a region into which the given platform is moving, said authorizing step being performed, as the given platform leaves one of the coverage regions, via the ground station associated with the coverage region being left" as recited in claim 18. Applicant submits that claim 18 and claims 19-20 dependent on claim 18 should be allowed.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sklar et al. (U.S. Pat. No. 5,990,928) in view of Nelson et al. (U.S. Pat. No. 6,760,778). This rejection is respectfully traversed.


As previously discussed above with reference to claim 18 (upon which claim 19 depends), it is apparent that the regional control unit 44 of Sklar et al. does not use data from the transmission station 12 or satellite 24 to configure the system receiver station 36 to receive programs in the coverage area 30. Furthermore, it would not at all have been obvious to modify the system of Sklar et al., which does not provide communication via satellite from the aircraft to the transmission stations (12, 18), to format entertainment data content with encapsulated IP packets as taught by Nelson et al. to provide Internet service to an aircraft from a direct broadcast satellite. Accordingly, claim 19 should be allowed.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7521.

Respectfully submitted,

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